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RUEHBJ/AMEMBASSY BEIJING 1061

RUEHKO/AMEMBASSY TOKYO 1764

RUEHUL/AMEMBASSY SEOUL 0730

RUCNDT/USMISSION USUN NEW YORK 2347

RUEHNO/USMISSION USNATO 2665

RUEAAIA/CIA WASHDC

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RHEHNSC/NSC WASHDC 1246

RUEKJCS/SECDEF WASHDC 1162

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SENSITIVE

SIPDIS

STATE FOR EUR/RPM, SCA/CEN, DRL

E.O. 12958: N/A

TAGS: PHUM PREL PGOV KDEM OSCE KZ

SUBJECT: KAZAKHSTAN: EMBASSY INPUT FOR OSCE HUMAN DIMENSION
IMPLEMENTATION MEETING

REF: STATE 59944

¶1. (U) Sensitive but unclassified. Not for public Internet.

¶2. (U) This cable responds to reftel's request for post's input on Kazakhstan for demarches in advance of the OSCE Human Dimension Implementation Meeting (HDIM).

DEMOCRATIC REFORM

¶3. (SBU) The September 26 - October 9 HDIM is the last one before Kazakhstan takes over the OSCE chairmanship in 2010. As such, it is an important opportunity to encourage further progress on key democracy and human rights concerns. When Kazakhstan was selected to be 2010 OSCE chairman at the November 2007 Madrid OSCE Ministerial meeting, Foreign Minister Tazhin promised his government would amend Kazakhstan's election, political party, and media laws in accordance with OSCE and ODIHR recommendations. The amendments were signed into law in February. While key civil society figures criticized the legislative changes for not going far enough, they were nevertheless a step in the right direction. We should encourage Kazakhstan to take additional steps and to continue cooperating with the OSCE and ODIHR in bringing its laws in line with OSCE standards. One specific democratic reform we should recommend is the establishment of independent election commissions composed of representatives of all political parties.

FREEDOM OF THE PRESS

¶4. (SBU) Kazakhstan's diverse print media includes many newspapers sharply critical of the government and of President Nazarbayev personally, but the broadcast media is closely aligned with the government and provides very little coverage of the political opposition. Amendments to Kazakhstan's media legislation adopted in February eased some of the registration requirements for the print media, but journalists and editors remain subject to criminal penalties, including prison time, for libel. In February, an appellate court ordered the opposition newspaper "Taszhargan" to pay a 30 million tenge (approximately \$200,000) damage award for libel to a parliamentarian, increasing ten-fold the damages imposed by a lower court. Neither the paper nor the journalist involved in the case has the means to pay the fine. The paper has ceased

publication, though the editor plans to re-open it under a different name. We should urge Kazakhstan to fully decriminalize libel and to ensure that civil libel judgments are not so punitive as to force the closure of media outlets.

¶5. (SBU) We remain concerned about a draft Internet law that is currently being considered in parliament. Although the latest text represents an improvement over the original version, it retains a number of problematic provisions. In particular, the legislation in its current form would reclassify all Internet sites as "media outlets," making them subject to Kazakhstan's media law. It would also broaden the definition of "dissemination of a media product" to include posting information anywhere on the Internet -- a provision that civil activists believe would open the door for the government to legally block any Internet site, including web-chats and blogs. In addition, the draft legislation includes provisions that would make it easier to shut down media outlets for legal violations during elections and violations related to inter-ethnic relations. If parliament passes the legislation, we should urge that President Nazarbayev veto it, or send it to the Constitutional Council (Court) for that body to review its constitutionality.

¶6. (SBU) The editor of "Alma-Ata Info" newspaper, Ramazan Yesergepov, is currently on trial for publishing an article that contained information from classified internal memos of the Committee for National Security (KNB), which he allegedly received from a contact within the KNB. Yesergepov has been charged with divulging and disseminating state secrets leading to "grave consequences," a crime which carries a maximum penalty of eight years in prison. Civil society activists have come out in defense of Yesergepov, arguing that the KNB documents should not have been classified in the first place.

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FREEDOM OF RELIGION

¶7. (SBU) At this time last year, the Kazakhstani parliament was considering a package of amendments to the country's religion law which was aimed at asserting greater government authority over so-called "non-traditional" religious groups, such as evangelical Protestants, Jehovah's Witnesses, Hare Krishnas, and Scientologists.

At the urging of the U.S. government, our like-minded partners, and Kazakhstani civil society leaders, President Nazarbayev sent the legislation to the Constitutional Council for review. The Council ultimately ruled the legislation was unconstitutional.

¶8. (SBU) "Non-traditional" religious groups nevertheless continue to report pressure from the authorities. In January, an Almaty district court found Elizaveta Drencheva, a Unification Church member and Russian citizen, guilty on charges of "instilling a sense of inferiority in citizens based on their tribal association" and sentenced her to two years in jail. The case was based on several religious lectures given by Drencheva in which she articulated the Unification Church's teachings. In March, an appellate court upheld the guilty verdict, but vacated Drencheva's prison sentence. Two local branches of the Church of Scientology are currently under investigation on allegations they have illegally engaged in business activities. Some "non-traditional" religious groups, including evangelical Protestants and Ahmadi Muslims, have reported that KNB agents attend their religious gatherings and sometimes tape the proceedings. We should stress to the government that the problems encountered by the "non-traditional" groups are inconsistent with Kazakhstan's tradition of religious tolerance.

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